

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORLANDO LEWAYNE PILCHER,

Petitioner, No. CIV S-11-3044 CKD P

VS.

ALLEN PEPPER, JR., et al.,

Respondents. ORDER

Petitioner, a prisoner at Federal Correctional Institution, Herlong, has filed a document the court construes as a motion attacking his sentence under 28 U.S.C. § 2255.¹ Such a motion must be brought in the court that imposed the sentence under attack. 28 U.S.C. § 22545(a). Petitioner's sentence was imposed in the United States District Court for the Northern District of Mississippi. Therefore, the court will order this action transferred there.

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¹ The document submitted is actually a completed Eastern District of California form-application for writ of habeas corpus under 28 U.S.C. § 2241. However, petitioner challenges his federal conviction and, thus, the imposition of his sentence. Such a challenge generally must be made through a § 2255 motion rather than a § 2241 petition for writ of habeas corpus (a proper § 2241 petition generally challenges the execution, rather than the imposition of a federal sentence). Hernandez v. Campbell, 204 F.3d 861, 864 (9th Cir. 2000).

1 Accordingly, IT IS HEREBY ORDERED that this action is transferred to the
2 United States District Court for the Northern District of Mississippi.

3 Dated: December 1, 2011

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5 CAROLYN K. DELANEY
6 UNITED STATES MAGISTRATE JUDGE

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